

FACSIMILE COVER SHEET

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NAME: Examiner Tony Nguyen

FROM: Theodore Naccarella

RE: Patent Application No. 09/342,768

S&L Docket No. 25532 Your File No. _____

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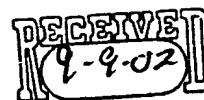
Date: September 9, 2002 Time: _____ PM

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Scott Bermingham Doyle et al.**

Application No.: **09/342,768**

Examiner: **Nguyen T.**

Filing Date: **June 28, 1999**

Group Art: **2684**

Title: **LMDS SYSTEM WITH EQUAL POWER TO SUBSCRIBER LOCATIONS**

CERTIFICATE OF MAILING

I hereby certify that this correspondence, along with any papers indicated as being sent via Facimile to Examiner Tony Nguyen at 703-872-9314 on September 9, 2002.

9-9-02
Date

Katrina Lynn
Katrina Lynn

The Commissioner for Patents
Washington, DC 20231

LETTER


Sir:

Applicants respectfully thank the Examiner in this case for the courtesy telephone call of September 6, 2002 indicating that he has not received a response to the Notice of Non-Compliance dated April 24, 2002. In that telephone conversation, Applicant's undersigned representative indicated that a response had, in fact, been filed. The Examiner asked Applicants' counsel to fax him a copy of that response. Accordingly, a copy of that response is attached hereto as Exhibit A.

Note that the response includes a properly executed Certificate of Mailing under 37 CFR §1.8(a). Further, note that attached hereto as Exhibit B is a copy of the return postcard received from the Patent and Trademark Office evidencing that the Patent and Trademark Office received the response. Exhibit B is prima facie evidence of receipt of the response. MPEP §503.

In view of the foregoing, this application is still pending. Applicants respectfully request the Patent and Trademark Office to issue a Notice of Allowance at the earliest possible date.

Respectfully submitted,



Theodore Naccarella
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 Client The W.R. Baker Corp

Appl. No. 09/342,768 Filing Date 6-28-1999
 Docket No. 25532 USA Atty. TAN/DSC

The Patent / Trademark Office is in receipt of the following:

- ☐ Affidavit/Declaration, 37 CFR
- ☐ Amendment, 37 CFR
- ☐ Amendment to allege use
- ☐ Appeal notice/Appeal brief
- ☐ Appointment of domestic representative
- ☐ Assignment & cover sheet
- ☐ Cert. of correction request
- ☐ Cert. of Exp. Mailing, Date

- ☒ No. 3-8-02
- ☐ Cert. of mailing, Dated 3-8-02
- ☐ Charge deposit account, in duplicate
- ☐ Check \$ _____ for _____
- ☐ Demand for PCT examination
- ☐ Extension of time petition _____ months
- ☐ Extension of time to file Statement of Use
- ☐ IDS (information disclosure statement)
- ☐ PTO Form 1449: # of pages enc. _____
 # of references enc. _____

- ☐ Issue fee transmittal & advance order
- ☐ Letter
- ☐ Maintenance fee transmittal
- ☐ Opposition notice (in duplicate)
- ☐ Patent Application
 - _____ # of pages _____ # of pages of claims
 - _____ # of sheets of drawings
 - _____ Declaration/Oath: _____ signed _____ unsigned
 - _____ Transmittal letter

Title of Invention / Mark LMDS Systems
Subscription Location

- ☐ PCT Application, transmittal, request & fee sheet
- ☐ Petition under 37 CFR
- ☐ Petition for cancellation
- ☐ Power of attorney
- ☐ Priority claim
- ☐ Renewal application
- ☐ Reply, 37 CFR
- ☐ Request for extension of time to file opposition notice (in triplicate)
- ☐ Section 8/Section 15 Affidavit/Declaration
- ☐ Specimens
- ☐ Statement of use
- ☒ Trademark/Service Mark Application
 - _____ Declaration
 - _____ Power of attorney
 - _____ Drawing
- ☐ Verified statement/Small entity
- ☐ Withdrawal
- ☐ Other Response to

Notice of Noncompliance
Amendment